**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**
**AND**
**HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY**

**Writ Petition No.22593 of 2004**

-
-

**Between:**

Banoth Balaji …Petitioner.

**And**

The District Co-operative Central Bank,
Wayira Branch, Wayira, Khammam District,
represented by its Manager
and two others. ….Respondents.

**:: O R D E R ::**

Counsel for the petitioners : Sri R. N. Hemendranath Reddy for
Sri K. V. Subrahmanya Narasu

**1st May, 2007**

**Per G.S. SINGHVI, C.J.**

In this petition, the petitioner has prayed for quashing notice dated 1-11-2004 issued by Sale Officer, District Co-operative Central Bank, Khammam (3rd respondent), whereby land measuring Ac.0.20 guntas comprised in Survey No.465/Am belonging to the petitioner was put to auction in furtherance of the proceedings initiated under the Andhra Pradesh Cooperative Societies Act, 1964 (for short, 'the 1964 Act').

The main ground on which the petitioner has questioned the legality of the auction notice is that after enactment of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, recovery of debts due to the cooperative societies cannot be effected under the 1964 Act.

At the hearing, learned counsel for the petitioner fairly stated that in view of the judgment of the Supreme Court in **Greater Bombay Co-operative Bank Ltd. v. M/s. United Yarn Tex. Pvt. Ltd.**[1], the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition as withdrawn, WPMP. No.29652 of 2004 filed by the petitioner for interim stay is disposed of as infructuous and the interim order is vacated.

**G.S.SINGHVI, C.J.**

1st May, 2007

**C.V.NAGARJUNA REDDY, J.**

ARS

---

[1] (2007) 3 SCJ 415